



**U.S. Department of Justice**

Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**APR 24 2019**

The Honorable Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

We write regarding the House Committee on Oversight and Reform's (Committee) subpoena for a deposition of John Gore, Principal Deputy Assistant Attorney General for the Department of Justice's (Department) Civil Rights Division. That deposition is currently scheduled for April 25, 2019.

The Department understands that the Committee continues to maintain that a Department attorney may not appear at the deposition for the purpose of advising Mr. Gore in connection with maintaining the confidentiality interests of the Executive Branch. As we previously explained in our April 9, 2019 letter, the Committee's exclusion of agency counsel from a compelled deposition would unconstitutionally infringe upon the prerogatives of the Executive Branch. We appreciate the offer made in the Committee's April 10, 2019 letter to permit Department counsel to be present in a separate room during the deposition, but such an accommodation would not address the Department's need to have counsel present in the deposition room to assist Mr. Gore in connection with the deposition. We are disappointed that the Committee remains unwilling to permit Department counsel to represent the interests of the Executive Branch in the deposition of a senior Department official.

Accordingly, Attorney General Barr's determination that Mr. Gore will not appear at the Committee's deposition unless a Department attorney may accompany him remains in effect.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Boyd", with a large, stylized flourish at the end.

Stephen E. Boyd  
Assistant Attorney General

The Honorable Elijah E. Cummings  
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cc: The Honorable Jim Jordan  
Ranking Member

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